

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**MAJA OMANOVIC and FELIPE
ARMAZA ARCE,
Plaintiffs,**

V.

**ALLSTATE VEHICLE and
PROPERTY INSURANCE
COMPANY,
Defendant.**

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**CIVIL ACTION NO.
JURY DEMANDED**

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
1441(a)**

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. § 1441 and 1446, Allstate Vehicle and Property Insurance Company, Defendant herein, removes to this Court the state court action pending in the 125th Judicial District Court of Harris County, Texas invoking this Court's diversity jurisdiction, on the grounds explained below.

BASIS FOR REMOVAL

1. On November 4, 2019, Plaintiffs filed suit in Harris County against the Defendant. The suit was assigned to the 125th Judicial District Court of Harris County, Texas, styled Cause No. 2019-80144; *Maja Omanovic and Felipe Aramaza Arce v. Allstate Vehicle and Property Insurance Company*. Defendant Allstate was served/received notice of this suit on December 10, 2019. As required by 28 U.S.C. § 1446(b)(3), Allstate files this notice of removal within thirty (30) days following receipt by Defendant of the initial pleadings.

2. Removal of this action is proper, because this Court has original diversity jurisdiction under 28 U.S.C. § 1332 and the action is one that may be removed by

Defendant pursuant to 28 U.S.C. § 1441(b)(3); specifically, this is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the Defendant is diverse in citizenship from the Plaintiffs.

3. The amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332 (a). Plaintiffs' Original Petition recites that they are seeking actual damages, statutory damages, and attorney's fees for breach of contract, breach of the duty of good faith and fair dealing, fraud, violations of the Deceptive Trade Practices Act, Chapter 541 and 542 of the Texas Insurance Code, and mental anguish relating to the Defendant's alleged failure to properly adjust the claim for Plaintiffs' alleged property damage. Further, Plaintiffs' Petition states Plaintiffs are seeking monetary relief over &1,000,000.00 for their damages. Thus, Plaintiffs' Petition shows on its face, that Plaintiffs' claims are in excess of \$75,000.00. *See* Plaintiffs' Petition incorporated herein under Exhibit "A".

4. The Clerk's full record in this case is attached as Exhibit "A". A list of all Counsel of Record is attached as Exhibit "B". The Civil Cover Sheet is attached as Exhibit "C".

5. Venue is proper in this district because the district and division embrace the place where the removal action has been pending.

6. Defendant will promptly provide written notice of the filing of this Notice of Removal to all parties and to the clerk of the 125th Judicial District Court of Harris County, Texas.

7. Defendant respectfully requests that the state court action be removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it may be justly entitled.

DATE: January, __ 2020.

Respectfully submitted,

/s/ John M. Causey

John M. Causey

State Bar No. 04019100

Southern District Bar No. 23926

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on December 27, 2019, via e-filing addressed to:

Daniel P. Barton

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Wayne D. Collins

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ATTORNEY FOR PLAINTIFFS

/s/ John M. Causey

John M. Causey